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Notice of Allowability

Application No.

09/787,233

Examiner

Jonathan S. Crepeau

Applicant(s)

NISHIURA ET AL.

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment of 11/21/03.
2. ☒ The allowed claim(s) is/are 2-9, 13-20 and 22-32.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
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DETAILED ACTION

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Bruce Hamburg on February 17, 2004.

The application has been amended as follows:

IN THE CLAIMS:

Claim 27, last line, delete "derivatives and" and insert --and derivatives--.

Claim 28, lines 1 and 2, delete "20 or".

Add new claim 32 as follows:

32. (new) The polymeric electrolyte according to claim 20, wherein the aprotic solvent is one or more selected from the group consisting of carbonates, lactones, ethers, sulfolanes and dioxolanes.

Allowable Subject Matter

3. Claims 2-9, 13-20, and 22-32 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter:

The reasons for allowance for independent claims 2, 5, 6, and 22 were given in the previous Office action and remain applicable. Additionally, independent claim 13 is allowable for these same reasons.

In addition, the following notes are made with respect to the references cited in the EPO and JPO search reports which bear an "X" label:

JP 10-231366 discloses a polymer containing tetravalent boron linkages but does not teach or fairly suggest any of the claimed species.

JP 11-54151, EP 898319, and Mehta et al (*Chem. Letters*) disclose boroxine ring-containing polymers but do not teach or fairly suggest any of the claimed species.

WO 97/16862 discloses a polymeric borate compound but does not teach or fairly suggest any of the claimed species.

JP 8-273653 discloses a polymer containing tetravalent boron cross-linkages but does not teach or fairly suggest any of the claimed species.

GB 1016379 discloses a polymer containing a hydrododecaborate anion but does not teach or fairly suggest any of the claimed species.

US 4620944 discloses a polyether containing boron atom cross-linkages but does not teach or fairly suggest any of the claimed species.

US 4091022 discloses a boron-containing polyoxyalkylene material but does not teach or fairly suggest any of the claimed species.

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FR 1287367 discloses a boron-containing polymer but does not teach or fairly suggest any of the claimed species.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Crepeau whose telephone number is (571) 272-1299. The examiner can normally be reached Monday-Friday from 9:30 AM - 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached at (571) 272-1302. The phone number for the organization where this application or proceeding is assigned is (571) 272-1700. Documents may be faxed to the central fax server at (703) 872-9306.

Jonathan Crepeau
Patent Examiner
Art Unit 1746
February 18, 2004

Bruce Bell
BRUCE F. BELL
PRIMARY EXAMINER
GROUP 1746